

EXHIBIT A

LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE: PRODUCT LIABILITY

BECTON DICKINSON INFUSION THERAPY
SYSTEMS INC
C/O STAT AGENT CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY SUITE 125
COLUMBUS, OH 43219

G-4801-CI-0202203412-000
JUDGE: STACY L COOK

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

CARRIE FRANKS
118 LAYER RD
HOLLAND, OH 43528

ATTORNEY FOR PLAINTIFF(S)

MICHAEL D BELL
1450 ARROWHEAD DRIVE
MAUMEE, OH 43537

BERNIE QUILTER
CLERK OF COURTS

Date: August 18, 2022

 Clerk



**IF YOU DO NOT HIRE AN ATTORNEY
PLEASE READ & RESPOND**

(mark one & respond)

☐

I request to be notified by email

My email address _____

OR

☐

I request to be notified by regular mail
(Clerk will forward to Court for approval)

My mailing address _____

Send email to: Lwatt@co.lucas.oh.us
Subject: G-4801-CI-0202203412-000
BECTON DICKINSON
INFUSION THERAPY SYSTEMS INC
Message: Your email address

Return this Form with your address to:
Clerk of Court
Lucas County Common Pleas Court
700 Adams
Toledo, OH 43604

**If you do NOT hire an attorney & fail to respond
you will NOT receive notification of events related to this case**

Case Information is available Online at:
www.co.lucas.oh.us/Clerk
click on the "Dockets Online" link

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.

FILED LUCAS COUNTY
08/17/2022 10:21 AM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 104446

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Carrie Franks
118 Layer Rd.
Holland OH 43528

and

Michael Franks
118 Layer Rd.
Holland OH 43528

Plaintiffs,

v.

**Becton Dickinson Infusion Therapy
Systems Inc.**

c/o stat. agent, CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

and

Becton Dickinson and Company

c/o stat. agent, CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

and

C. R. Bard, Inc.

c/o stat. agent, CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

* Case No. **G-4801-CI-0202203412-000**
*
* Judge
* **JUDGE STACY L. COOK**

* **COMPLAINT AND JURY**
* **DEMAND**

* Michael D. Bell (0071325)
* **GALLON, TAKACS &**
* **BOISSONEAULT CO., L.P.A.**
* 1450 Arrowhead Drive
* Maumee, OH 43537
* mbell@gallonlaw.com
* Telephone: 419-843-2001
* Facsimile: 419-843-8022
* Attorney for Plaintiff

and

JOHN DOE NUMBER ONE, whose
present name and address remains unknown

Defendants.

*

*

*

*

Plaintiffs, by and through counsel, for their Complaint, state and aver, as follows:

GENERAL ALLEGATIONS

1. In June of 2020, a BardPort Ti Low-Profile Implantable Port with Attachable 6.6F Open-Ended Single-Lumen Venous Catheter (“port”) was surgically placed in Plaintiff Carrie Franks’ left chest. Such a port (or subcutaneous implantable catheter) is placed entirely under the skin and includes a small reservoir hub, a plastic or metal cylinder placed just below the collar bone. A catheter is attached to the hub and enters the jugular vein in the neck. The purpose of the port is to provide vascular access for chemotherapy and other vascular access requirements.
2. Defendants Becton Dickinson Infusion Therapy Systems Inc., Becton Dickinson and Company, C. R. Bard, Inc., and/or John Doe Number One (“Defendants”) are now, and were at all times at issue, a merchant or merchants engaged in the business of designing, manufacturing, assembling, testing, inspecting, providing with warnings and instructions, marketing, and distributing medical devices, including the port at issue in this case.
3. Defendants supplied, assembled, tested, inspected, provided with warnings and instructions, and distributed medical devices, including the port at issue in this case.
4. On or about August 18, 2020, Plaintiff Carrie Franks was hospitalized and it was determined that the port at issue had failed, resulting in a disassociation of the catheter portion of the port from its hub. The catheter portion had separated from the hub (which remained in the left chest) and migrated to the right ventricle of the heart.

5. As a result of the port failure, Plaintiff Carrie Franks was required to undergo surgery to retrieve the failed port hub and catheter, and to have a new port placed on August 19, 2020.

6. As a result of the port failure, Plaintiff Carrie Franks required hospitalization, surgery, and rehabilitation. Plaintiff Carrie Franks also incurred medical expenses in an amount to be determined, and endured pain and suffering, all to her damage.

COUNT ONE

7. Plaintiffs reallege the above paragraphs, as if fully rewritten.

8. Defendants is and are manufacturers within the meaning of the Ohio Product Liability Act.

9. Defendants designed, manufactured, supplied, marketed, distributed and/or sold the subject port.

10. Defendants are charged and sued pursuant to the Ohio Product Liability Act as the subject port was defective as designed, manufactured, supplied, marketed, distributed and/or sold and, further, defendants failed to provide the port at issue in this case in a reasonably safe condition for all reasonable, foreseeable, and intended uses in one or more of the following respects:

- a. Defectively designing the subject port in an unreasonably unsafe manner;
and/or,
- b. Defectively manufacturing the subject port in an unreasonably unsafe manner;
and/or,
- c. Failing to warn users of the hazards, risks, and dangers patients faced when using the subject port; and/or,
- d. Breaching express and implied warranties made regarding the subject port;
and/or,

e. Failing to instruct and warn users regarding the dangers associated with the subject port.

11. The failure of Defendants to provide such a port directly and proximately caused the aforementioned injuries to Plaintiff Carrie Franks, as set forth above.

COUNT TWO

12. Plaintiffs reallege the above paragraphs, as if fully rewritten.

13. Defendants supplied, sold, distributed and/or otherwise caused the subject port to be in use on Plaintiff Carrie Franks on the date of injury.

14. Defendants are liable in this matter as one or all defendants failed to provide the port at issue in this case in a reasonably safe condition for all reasonable, foreseeable, and intended uses.

15. Defendants were negligent in the failure set forth above.

16. Defendants negligence was a proximate cause of Plaintiff Carrie Franks injuries and damages, described above.

17. The port in question did not conform when it left the control of Defendants, to a representation made by the supplier, and that representation and the failure to conform to it was a proximate cause of Plaintiff Carrie Franks injuries and damages, described above.

COUNT THREE

18. Plaintiffs reallege the above paragraphs, as if fully rewritten.

19. At all relevant times, Plaintiff Michael Franks was the husband of Plaintiff Carrie Franks.

20. The negligence of Defendants directly and proximately caused him to suffer a loss of Plaintiff Carrie Franks' consortium.

WHEREFORE, Plaintiffs pray for a judgment against the defendants in an amount in

excess of \$25,000.00, plus interest, costs, fees and any other remedy this Court deems appropriate.

Respectfully submitted,

**GALLON, TAKACS
& BOISSONEAULT CO., L.P.A.**

By: /s/ Michael D. Bell
Michael D. Bell
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

**GALLON, TAKACS
& BOISSONEAULT CO., L.P.A.**

By: /s/ Michael D. Bell
Michael D. Bell
Attorney for Plaintiff

LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE: PRODUCT LIABILITY

BECTON DICKINSON AND COMPANY
C/O STAT AGENT CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY SUITE 125
COLUMBUS, OH 43219

G-4801-CI-0202203412-000
JUDGE: STACY L COOK

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LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE: PRODUCT LIABILITY

C R BARD INC
C/O STAT AGENT CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY SUITE 125
COLUMBUS, OH 43219

G-4801-CI-0202203412-000
JUDGE: STACY L COOK

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Date: August 18, 2022

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